



MIKE PENCE, *Governor*  
JAMAL L. SMITH, *Executive Director*

ICRC No.: EMse12061313  
[REDACTED]

[REDACTED],  
Complainant,

v.

VALVOLINE INSTANT OIL CHANGE d/b/a GREAT LAKES QUICK LUBE,  
Respondent.

### NOTICE OF FINDING

The Deputy Director of the Indiana Civil Rights Commission ("Commission"), pursuant to statutory authority and procedural regulations, hereby issues the following findings with respect to the above-referenced case. Probable cause exists to believe that an unlawful discriminatory practice has occurred. 910 IAC 1-3-2(b).

On June 27, 2012, [REDACTED] ("Complainant") filed a Complaint with the Commission against Valvoline Instant Oil Change d/b/a Great Lakes Quick Lube ("Respondent") alleging discrimination on the basis of sex, namely, sexual harassment in violation of [REDACTED] and the Indiana Civil Rights Law (Ind. Code § 22-9, *et. seq.*) Accordingly, the Commission has jurisdiction over the parties and the subject matter.

An investigation has been completed. Both parties have been given the opportunity to submit evidence. Based upon a full review of the relevant files and records and the final investigative report, the Deputy Director now finds the following:

The issue presented to the Commission is whether Respondent terminated Complainant's employment due to Complainant's rejection of her supervisor's sexual advances. In order to prevail, Complainant must show that: (1) she experienced unwelcome sexual actions or comments in the workplace; (2) the actions or comments were severe or pervasive; (3) she made it known that the comments were unwelcome; and (4) Respondent failed to take corrective action to address the hostile work environment.

Complainant alleges that her male supervisor made sexual advances toward her, grabbed her buttocks as well as told her "let's do it," and discussed his desire to have sex with her on a daily basis. Complainant further alleged that upon rejecting her supervisor's advances, he told her to



go home. Respondent contends that Complainant had a negative attitude at work, announced that she did not need her job, and walked off the job; in short, Respondent states that it did not terminate Complainant. However, witness testimony corroborates that Complainant's supervisor did "grab her ass" and made sexual comments toward Complainant on a regular basis sufficiently severe and pervasive to create a sexually hostile work environment.

While Respondent claims that Complainant had an "attitude problem" and other job performance issues, it failed to produce any documentation supporting its contention. Moreover, Respondent failed to provide any documentation showing Complainant had been disciplined for these issues. The available evidence suggests that Respondent's rationale for Complainant's termination is unworthy of credence and may amount to pretext for unlawful discrimination on the basis of sex. Based upon the above-findings, probable cause exists to believe that an unlawful discriminatory practice occurred.

A public hearing is necessary to determine whether a violation of the Indiana Civil Rights Law occurred as alleged herein. Ind. Code § 22-9-1-18, 910 IAC 1-3-5. The parties may agree to have these claims heard in the circuit or superior court in the county in which the alleged discriminatory act occurred. However, both parties must agree to such an election and notify the Commission within twenty (20) days of receipt of this Notice, or the Commission's Administrative Law Judge will hear this matter. Ind. Code § 22-9-1-16, 910 IAC 1-3-6.

March 15, 2013  
Date

Akia Haynes  
Akia A. Haynes, Esq.  
Deputy Director  
Indiana Civil Rights Commission